

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DEBRA L. BAROS,**

**Plaintiff,**

**vs.**

**CIV. NO. 1:20-cv-00523-KBM**

**KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,**

**Defendant.**

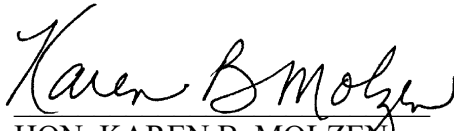
**ORDER GRANTING THE PARTIES' STIPULATED MOTION FOR AWARD OF  
ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

This matter comes before the Court on a stipulated motion by Plaintiff and Defendant, the Acting Commissioner of Social Security (Commissioner), for an award of attorney fees to Plaintiff under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). The Court will grant the parties' stipulated motion and order that the Commissioner pay Plaintiff \$3,000.00 in attorney fees under the EAJA. Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. The EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).

IT IS THEREFORE ORDERED that attorney fees be, and hereby are, awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), payable to Plaintiff in the amount of \$3,000.00. *See Astrue v. Ratliff*, 130 U.S. 2521 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Done this 1st day of December, 2021.

  
HON. KAREN B. MOLZEN  
U.S. MAGISTRATE JUDGE